

REMARKS

Claims 1-21 were originally filed in this application. As a result of an restriction/election requirement, claims 13-21 were withdrawn by the examiner. Thus, claims 1-12 are pending.

In response to the outstanding Office Action, claim 7 has been amended, claims 13-21 have been canceled, and new claims 22-27 have been added. In the Office Action, claims 1-6 were allowed; accordingly, claims 7-13 and 22-27 remain at issue.

Response to § 112 Rejection

Claim 12 was rejected for being indefinite. In particular, the Office Action states that it is unclear what two portions on a single cam are parallel to each other and perpendicular to the axis of rotation. Two such portions are shown on a single cam in 5 (tip 68 and base 72) and are described on page 9, lines 21-25 of the application. In particular, the application states that the tip 68 is substantially perpendicular to the longitudinal axis of the cams, and that the base 72 is substantially perpendicular to the longitudinal axis of the cams. Therefore, the cam 24, for example, has first and second portions that are parallel to each other and perpendicular to the central axis of one of the cams. Thus, it is respectfully submitted that the asserted indefiniteness problem did not render claims 12 indefinite under § 112, because a claim is considered definite as long as "the scope of the claim is clear so the public is informed of the boundaries of what constitutes infringement of the patent." *See* M.P.E.P. § 2173. Accordingly, the rejection of claim 12 for indefiniteness should be withdrawn.

Response to § 102(e) Rejections

Applicants respectfully submit that the anticipation rejection of claims 7-12 under U.S. Patent No. 6,761,231 ("Dock et al.") should be withdrawn, as Dock et al. fails to disclose each and every element of claim 7 and, therefore, fails to anticipate claims 7-12.

Each of the claims at issue as amended recites an advancing/retracting mechanism that can be used in a pen, for example, such that a writing tip can be advanced from or retracted into the pen. The advancing/retracting mechanism includes a first cam having a first angled surface at a first end that engages a second angled surface disposed at a first end of a second cam. A user operates the advancing/retracting mechanism by providing input to

the first cam at its second end, such that the first cam operatively engages the second cam. An output device, such as the writing tip for example, is then activated by a second end of the second cam. A barrel receives at least one of the cams such that a portion of the cam engages a helical surface of the barrel as the cam traverses from a first to a second position and rotates relative to the other cam.

While Dock et al. discloses a rotary driven drill hammer having a pair of cams, Dock et al. fails to disclose a barrel that receives a cam, let alone a barrel that receives a cam and includes helical surface that engages a portion of that cam, as is recited by claims 7-12.

Furthermore, the cams in the rotary driven drill hammer of Dock et al. provide a different function and operate differently than the present mechanism. In particular, the upper and lower cams 126, 130 of Dock et al. rotate relative to each other to provide a reciprocating action for the drill hammer and, as such, do not provide advancing or retraction but rather reciprocation. In addition, the orientation of the cams in Dock are different from the orientation as recited in the claims. For example, as best as can be determined, the upper cam 130 of Dock et al. receives input at a first angled surface from a drive member 102. The drill hammer therefore, receives input at the same end of the cam as the first angled surface. Similarly, the lower cam 130 provides output (to an anvil 124) at the same end of the cam as the second angled surface. In contrast, the cams of the advancing/retracting mechanism receive input and provide output on ends opposite the respective angled surfaces.

Accordingly, the anticipation rejection of claim 7 and its dependent claims should be withdrawn.

New Claims 22-27

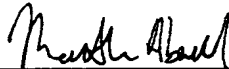
In the Office Action, as discussed in detail above, claims 7-12 were rejected as anticipated by Dock et al. On page 4 of the Office Action, the examiner suggested language that may overcome the prior art of record. As a result, the applicants have added new claims 22-27 incorporating those suggestions.

CONCLUSION

In view of the above, each of the claims presently at issue in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. Should the examiner have any questions or concerns regarding the claims, the examiner is respectfully requested to telephone the undersigned at (312) 474-9566 to discuss the same. The Director is hereby authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Dated: January 18, 2006

Respectfully submitted,

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